

Approved for tabling.

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13 APR 2016

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*Paper laid by the
Chairperson, DC on
Justice and legal Affairs
on 13/4/2016 (GND)*

**PARLIAMENT OF KENYA
THE NATIONAL ASSEMBLY**

ELEVENTH PARLIAMENT-FOURTH SESSION

**THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL
AFFAIRS**

REPORT

ON

**PETITION BY THE RESIDENTS OF THARAKA NITHI COUNTY ON
ALLEGED NON-REFUNDED CASH BAILS BY MARIMANTI LAW
COURTS**

**CLERK'S CHAMBERS
NATIONAL ASSEMBLY
PARLIAMENT BUILDINGS**

NAIROBI

APRIL, 2016

1.0 PREFACE

The Petition was tabled before the House and was committed to the Departmental Committee on Justice and Legal Affairs for consideration pursuant to standing order 227. The Committee considered the Petition pursuant to the said standing order.

1.1 Committee Membership

The Committee on Justice and Legal Affairs was constituted by the House on Thursday 16th May, 2013 comprising of the following members:

1. Hon. Samuel Chepkonga, M.P.,Chairperson
2. Hon. Priscilla Nyokabi, M.P.Vice-Chairperson
3. Hon. Muriithi Waiganjo, M.P
4. Hon. Ndirangu Waihenya, M.P
5. Hon. Florence Kajuju, M.P
6. Hon. Kang'ata Irungu, M.P
7. Hon. Benson Mutura, M.P
8. Hon. Olago Aluoch, M.P
9. Hon. John Njoroge M.P
10. Hon. William Cheptumo, M.P
11. Hon. Njoroge Baiya, M.P
12. Hon. Mohamed Abdi, M.P
13. Hon. James Bett, M.P
14. Hon. Sammy Koech, M.P
15. Hon. Moses Cheboi, M.P
16. Hon. Paul Bii, M.P
17. Hon. Charles Gimose, M.P
18. Hon. Johanna Ngeno, M.P
19. Hon. Boniface Otsiula, M.P
20. Hon. David Ouma Ochieng, M.P
21. Hon. Neto Agostinho, M.P
22. Hon. Dr. Christine Ombaka, M.P
23. Hon. Kaluma Peter, M.P
24. Hon. Fatuma Ibrahim, M.P
25. Hon. Ben Momanyi Orori, M.P
26. Hon. Mwamkale Kamoti, M.P
27. Hon. T.J Kajwang', M.P
28. Hon. Mutua Mutemi, M.P

1.2 Committee Mandate

The Departmental Committee on Justice and Legal Affairs derives its mandate from provisions of standing order 216 (5) which outline functions of the Committee as being:

- a) To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;
- b) To study the Programme and policy objectives of ministries and departments and the effectiveness of their implementation;
- c) To study and review all the legislation referred to it;
- d) To study, access and analyze the relative success of the ministries and departments measured by the results obtained as compared with their stated objectives;
- e) To investigate and inquire into all matters relating to the assigned ministries and departments as may be deemed necessary, and as may be referred to it by the House or a Cabinet Secretary;
- f) To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order No.204 (Committee on appointments); and
- g) To make reports and recommendations to the House as often as possible, including recommendations of proposed legislation.

In accordance with Second Schedule of the Standing Orders, the Committee is mandated to consider:-

- a) Constitutional Affairs
- b) The administration of Law and Justice
- c) The Judiciary
- d) Public prosecutions
- e) Elections
- f) Ethics, Integrity and anti-corruption and
- g) Human rights

1.3 Departments under the Committee

- a. Office of the Attorney General and Administration of Justice
- b. Ethics and Anti-Corruption Commission (EACC)
- c. Independent Electoral and Boundaries Commission (IEBC)
- d. Kenya National Commission on Human Rights (KNCHR)
- e. Office of the Director of Public Prosecutions (ODPP)
- f. Witness Protection Agency (WPO)
- g. Commission on Administrative Justice (COAJ)
- h. The Judicial Service Commission (JSC)
- i. The Judiciary

1.4 Committee Meetings

The Committee held two sittings during which the Petition was considered and a report was adopted.

1.5 Acknowledgements

- a. The Committee wishes to sincerely thank the Offices of the Speaker and the Clerk of the National Assembly for the necessary support extended to it in the execution of its mandate.
- b. The Chairperson of the Committee takes this opportunity to thank all Members of the Committee for their patience, Sacrifice, endurance and Commitment to Public Service under tight schedules which enabled us to complete the task within the stipulated period.
- c. The Committee wishes to record its appreciation for services rendered by the staff of the National Assembly attached to the Committee. Their efforts and input made the work of the Committee and production of this Report possible.
- d. The Departmental Committee on Justice and Legal Affairs presents and recommends this report to the House pursuant to the provisions of Standing Orders of the National Assembly.

Signed..........Date.....13th April, 2016.....

Hon. Samuel Chepkong'a, M.P
(Chairperson)
Departmental Committee on Justice and Legal Affairs

2.0 BACKGROUND

2.1 The Petition

The Petition was presented to the National Assembly by Hon. Beatrice Nkatha Nyaga, MP and member for Tharaka Nithi County on behalf of the residents of Tharaka Nithi County.

The Petition is on alleged non-refunded cash bails by Marimanti Law Courts and draws the attention of the House to the following;

- a. That, Article 49 (1) (h) of the Constitution entitles an arrested person to the right to be released on bond or bail, on reasonable conditions, pending a charge or trial, unless there are compelling reasons not to be released.
- b. That, majority of the petitioners are living in abject poverty and have therefore been subjected to untold suffering considering that many of them paid their cash bails from funds secured through loan facilities.
- c. That the petitioner's representatives have sought redress from relevant authorities, namely Marimanti Law Courts officials, the area criminal investigation Department, human rights groups and area sub-county Commissioner without success.
- d. That the frustrated victims of unpaid cash bails have since been forced to form an association with elected representatives to pursue the matter on their behalf.
- e. That the matter in which the petition is raised is not pending before any court of law or constitutional body.

2.2 CONSIDERATION OF THE PETITION BY THE COMMITTEE

The Committee through the office of the Clerk of the National Assembly wrote to the Chief Registrar of the Judiciary for more information on the matter under consideration. The Chief Registrar vide a letter dated 16th March, 2016 informed the Committee as follows:

- a. Marimanti Law Courts was established in 2007 to serve the community of Tharaka South District who were travelling 70 km and more to seek justice at Chuka Law Courts in Meru South District.
- b. The Station is housed on premises rented from the DC and has two magistrates. From inception, the Station had never had an accountant until March 2014, when an Accounts Assistant was posted there.

The Deposits of the Station are in two categories:

- Old Deposits with the National Treasury (for period 2007 to August 2012).
- Current Deposits in the Station's Bank Account (from September 2012 to date)

Old Deposits with the National Treasury – Ksh. 1,127,000

i. The operation

From the inception of the Court up to August 2012, the legal deposits of the Court used to be managed at the National Treasury at the Tharaka South District Treasury. The Court Station would collect deposits in cash then surrender the cash to the District Treasury which was then being banked in a pool Bank account together with monies for other Government Departments. Refunds of the deposits were being also made through the District Treasury.

In September 2012, the Court Station within the framework of Judicial transformation opened its bank account with the Cooperative Bank of Kenya. Thus, deposits were now in two pockets: one the deposits banked in the District Treasury bank account and two, the deposits banked in the Station's bank account. Consequently, depositors' refunds would be made from the account where the money was banked.

ii. Discovery of misappropriation

It was around April 2013 after an experience of difficulties and delays in making refunds, when it was discovered that the legal deposit monies surrendered to the District Treasury for banking had been instead misappropriated by the cashier. The District Treasury informed the Station that their bank account ledgers didn't reflect any money held as legal deposits despite the Station's Deposits Ledger Book reflecting outstanding deposits. The outstanding Deposit Ledger listing with respect to this

account amount to **Kshs.1, 127,000** of which most cases were concluded, but refunds can not be made due to unavailability of the funds. This has caused unrest by the affected parties.

Actions taken

- a. 11th April 2013, the Station reported the matter to the District Commissioner's office.
- b. 18th April 2013, the District Accountant made a formal report to the police.
- c. 24th July 2013, the District Accountant forwarded the Official Loss Report Forms to the Principal Secretary, The National Treasury through the Tharaka South District Commissioner.
- d. After the Loss Report, the Principal Secretary interdicted the concerned officer for gross misconduct and DCIO commenced investigations which have not been concluded to date.
- e. 21st April 2015, the Station wrote to the District Accountant and DCIO Tharaka South seeking to be updated with the progress on the matter.
- f. 23rd April 2015, the District Accountant informs the Station that the matter was still with the DCIO.
- g. 23rd April 2015, DCIO responded confirming that the case was still pending under investigations as they were yet to receive an external audit report which they requested to be done at the Treasury.
- h. 20th May 2015, The Chief Registrar of the Judiciary requested the Principal Secretary, The National Treasury to avail the lost funds to enable finalization of outstanding deposit refunds for the concluded cases.
- i. 25th August 2015, Office of the Principal Secretary, The National Treasury advised the Judiciary to factor the lost funds in its budget.

Current Deposits in the Stations Bank Account

The summary of a brief quick reconciliation of the Outstanding Current Deposit listings against the funds available in the Bank Account is as below.

NO.	ITEM	AMOUNT KSHS.
1	Balances as per Deposit Ledger	1,998,150
2	Supported by:	
i.	Bank Balances as per Cash Book	1,826,385
ii.	Net reconciling items	(19,810)
3	Total funds available for Depositors in Current Bank Account (i + ii)	1,806,575
4	Excess funds /(Shortage) (3-1)	(191,575)

2.2 PRAYERS

The Petitioner prays that the National Assembly:

- a. Commences inquiry into the unclear circumstances cash bails due to be refunded to the petitioners have not been paid long after their cases were heard and determined by the court.
- b. Intervenes to ensure that the Judiciary reimburses the petitioners the cash bail owed, together with accrued interest as computed from the date the cases were determined and disciplinary action be instituted against any officer (s) who obstructed payment of the said cash bail refunds in one way or another. have the Government provide social assistance to the family and other victims of terror attacks for the loss of livelihood, injuries and any properties.

3.0 COMMITTEE'S OBSERVATIONS

- a. The Judiciary has acknowledged non-refund of cash bails at the Marimanti Law Courts and taken steps to address the settle the issue.
- b. The Judiciary has factored the lost funds of Ksh.1, 127,000 in the FY 2016/2017 budgetary estimates for settlement from July 2016 when the funds are received from the National Treasury.
- c. The refund of current deposits whose funds are held at the Station's bank account with the Cooperative Bank, Chuka Branch is being done promptly through cheques as the cases are concluded (see attached notice to the members of the public notifying them of the uncollected cheques).
- d. There is no bank located within the Marimanti shopping center, thus, the Station collects cash and then banks weekly during the Thursday's Cooperative Bank mobile visits.
- e. The Judiciary's plans are at an advanced stage to introduce cashless collections with the bank via mobile banking.
- f. Save for the Kshs.1,127,000 outstanding deposits with respect to the lost funds, the Station has endeavored to comply with the Judicial requirements of making deposits refunds within the shortest time possible.

4.0 RECOMMENDATION

The Committee recommends that;

- i. The outstanding cash bails be refunded by the Judiciary in the current financial year 2015/2016 Supplementary Budget Estimates.
- ii. The, Directorate of Criminal Investigations should conclude its investigations expeditiously and take legal action against persons who may have fraudulently contributed to non-refund of cash bails by Marimanti Law Courts.

MINUTES OF THE SITTING OF THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS HELD ON THURSDAY, 7TH APRIL, 2016 AT 10.30 A.M. IN GROUND FLOOR BOARDROOM, COUNTY HALL BUILDING

PRESENT

Hon. Samuel Chepkonga, M.P. - Chairperson
Hon. Priscilla Nyokabi, M.P. - Vice Chairperson
Hon. Ben Momanyi, M.P.
Hon. Benson Mutura, M.P.
Hon. David Ochieng, M.P.
Hon. Florence Kajuju, M.P.
Hon. James Bett, M.P.
Hon. Olago Aluoch, M.P.
Hon. Kamoti Mwamkale William, M.P.
Hon. Mohamed Abdi Haji, M.P.
Hon. Moses Cheboi, M.P.
Hon. Njoroge Baiya, M.P.
Hon. Paul K. Bii, M.P.
Hon. Peter Kaluma, M.P.
Hon. Ndirangu Waihenya, M.P.

APOLOGIES:-

Hon. Boniface Otsiula, M.P.
Hon. Neto Agostinho, M.P.
Hon. Dr. Christine Ombaka, M.P.

ABSENT:-

Hon. Johanna Ngeno, M.P.
Hon. William Cheptumo, M.P.
Hon. Kang'ata Irungu, M.P.
Hon. Sammy Koech, M.P.
Hon. Munuve Mati John, M.P.
Hon. Fatuma Ibrahim, M.P.
Hon. Tom J. Kajwang', M.P.
Hon. John M. Waiganjo, M.P.
Hon. John Njoroge Chege, M.P.
Hon. Charles Gimose, M.P.
Hon. (Bishop) Robert Mutemi, M.P.

SECRETARIAT

Mr. Abenayo Wasike - Clerk Assistant I
Mr. Ahmed Salim - Clerk Assistant III

Ms. Mary L. Lemerelle	-	Clerk Assistant III
Mr. Fredrick Muthengi	-	Budget Officer
Mr. Robert Ngetich	-	Budget Officer
Mr. Moses Kariuki	-	Sergeant at arm

MIN No.JLA. /2016:- **PRELIMINARIES**

The Chairperson called the meeting to order at 10.35 a.m. with a word of prayer from the Chairperson, Hon. Samuel Chepkonga, M.P. The Chairperson introduced the agenda of the meeting, adoption of the report on the Supplementary Budget Estimates 1 for the FY 2015/2016 and adoption of different reports on petitions.

MIN No.JLA. /2016:- **CONFIRMATION OF THE PREVIOUS MINUTES**

Confirmation of the previous minutes was deferred to a later date as the Committee shall decide in its next meeting.

MIN No.JLA . /2016:- **ADOPTION OF REPORT ON THE SUPPLEMENTARY BUDGET ESTIMATES 1 FOR THE FY 2015/2016**

The Committee adopted the Report, the same having been proposed by Hon. David Ochieng' and seconded by Hon. Priscila Nyokabi.

MIN No.JLA . /2016:- **ADOPTION OF REPORT ON PETITION BY HON. SABINA CHEGE, MP, ON BEHALF OF THE FAMILY OF THE LATE STEPHEN MBII KIERU**

The Committee adopted the Report, the same having been proposed by Hon. Ben Momanyi and seconded by Hon. James Bett.

MIN No.JLA . /2016:- **ADOPTION OF REPORT ON PETITION BY RESIDENTS OF THARAKA NITHI COUNTY ON ALLEGED NON-REFUNDED CASH BAILS BY MARIMANTI LAW COURTS**

The Committee adopted the Report, the same having been proposed by Hon. Florence Kajuju and seconded by Hon. Moses Cheboi.

MIN No.JLA . /2016:-

**ADOPTION OF REPORT ON PETITION BY THE
NATIONAL VICTIMS AND SURVIVORS
NETWORK ON THE TRUTH, JUSTICE AND
RECONCILIATION COMMISSION**

The Committee adopted the Report, the same having been proposed by Hon. Kaluma Peter and seconded by Hon. Olago Aluoch.

MIN No.JLA . /2016:-

**ADOPTION OF REPORT ON PETITION ON THE
MAU MAU WAR VETERANS AND THE
RECOGNITION OF THE ARMED STRUGGLE**

The Committee adopted the Report, the same having been proposed by Hon. Priscila Nyokabi and seconded by Hon. Ndirangu Waihenya.

MIN No.JLA . /2016:-

ADJOURNMENT

There being no other business to transact, the sitting adjourned at ten minutes past twelve o'clock.

Signed.....



(Chairperson)

Date.....

13th April, 2016

MINUTES OF THE SITTING OF THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS HELD ON TUESDAY, 22ND MARCH, 2016 AT 10:00 A.M. IN MEMBERS' LOUNGE, MAIN PARLIAMENT BUILDING

PRESENT

Hon. Samuel Chepkonga, M.P. - Chairperson
Hon. Priscilla Nyokabi, M.P. - Vice Chairperson
Hon. Ben Momanyi, M.P.
Hon. Benson Mutura, M.P.
Hon. David Ochieng, M.P.
Hon. Fatuma Ibrahim, M.P.
Hon. Florence Kajuju, M.P.
Hon. James Bett, M.P.
Hon. John Njoroge Chege, M.P.
Hon. Olago Aluoch, M.P.
Hon. Kamoti Mwamkale William, M.P.
Hon. Mohamed Abdi Haji, M.P.
Hon. Moses Cheboi, M.P.
Hon. Njoroge Baiya, M.P.
Hon. Paul K. Bii, M.P.
Hon. Peter Kaluma, M.P.
Hon. Ndirangu Waihenya, M.P.

ABSENT:-

Hon. Johanna Ngeno, M.P.
Hon. William Cheptumo, M.P.
Hon. Kang'ata Irungu, M.P.
Hon. Sammy Koech, M.P.
Hon. Tom J. Kajwang', M.P.
Hon. John M. Waiganjo, M.P.
Hon. Charles Gimose, M.P.
Hon. (Bishop) Robert Mutemi, M.P.
Hon. Boniface Otsiula, M.P.
Hon. Neto Agostinho, M.P.
Hon. Dr. Christine Ombaka, M.P.

SECRETARIAT

Mr. Abenayo Wasike - Clerk Assistant I
Mr. Ahmed Salim - Clerk Assistant III
Ms. Mary L. Lemerelle - Clerk Assistant III
Mr. Moses Kariuki - Sergeant at arm

MIN No.JLA. /2016:-

PRELIMINARIES

The Chairperson called the meeting to order at 10:40 a.m. with a word of prayer from Hon. John Njoroge Chege, M.P. The Chairperson introduced the agenda of the meeting, being consideration of pending petitions before the Committee.

MIN No.JLA. /2016:-

CONFIRMATION OF THE PREVIOUS MINUTES

Confirmation of the previous minutes was deferred to a later date as the Committee shall decide in its next meeting.

MIN No.JLA . /2016:-

CONSIDERATION OF A PETITION ON MASENO BOUNDARY DISPUTE

The Committee considered the petition and resolved that the Member who presented the petition, Hon. Chris Omulele, be invited to appear before the Committee at an appropriate time.

MIN No.JLA . /2016:-

CONSIDERATION OF A PETITION BY THE LUSENO FAMILY ON ALLEGED MURDER OF GLADYS RITHO

The Committee resolved that before making any recommendations on the petition, it would be appropriate to first seek more information from the Director of Public Prosecutions (DPP) and the Attorney General.

MIN No.JLA . /2016:-

CONSIDERATION OF A PETITION BY HON. SABINA CHEGE, MP, ON BEHALF OF THE FAMILY OF THE LATE STEPHEN MBII KIERU

The Petition which was presented to the National Assembly by Hon. Sabina Chege, MP and member for Muranga County on behalf of the family of Stephen Mbiu Kieru (deceased) and fifteen (15) citizens sought compensation for the death of their bread winner as a result of a terrorist attack. The Committee recommended that the Attorney General should liaise with other State Agencies to formulate a policy and Legislation to establish a Compensation fund for the victims of terror attacks.

MIN No.JLA . /2016:-

CONSIDERATION OF A PETITION BY RESIDENTS OF THARAKA NITHI COUNTY ON ALLEGED NON-REFUNDED CASH BAILS BY MARIMANTI LAW COURTS

The Petition on alleged non-refunded cash bails by Marimanti Law Courts was presented to the National Assembly by Hon. Beatrice Nkatha Nyaga, MP and member for Tharaka Nithi County on behalf of the residents of Tharaka Nithi County.

The Petitioner prays that the National Assembly:

- a. Commences inquiry into the unclear circumstances cash bails due to be refunded to the petitioners have not been paid long after their cases were heard and determined by the court.
- b. Intervenes to ensure that the Judiciary reimburses the petitioners the cash bail owed, together with accrued interest as computed from the date the cases were determined and disciplinary action be instituted against any officer (s) who obstructed payment of the said cash bail refunds in one way or another, have the Government provide social assistance to the family and other victims of terror attacks for the loss of livelihood, injuries and any properties.

After lengthy deliberations, the Committee recommended the following:

- a. That, the outstanding cash bails be refunded by the Judiciary in the current financial year 2015/2016 Supplementary Budget Estimates.
- b. That, the Directorate of Criminal Investigations should conclude its investigations expeditiously and take legal action against persons who may have fraudulently contributed to non-refund of cash bails by Marimanti Law Courts.

MIN No.JLA . /2016:-

**CONSIDERATION OF A PETITION ON JOHSON
KOBIA**

The Committee went through the Petition and resolved that it should first seek more information on the status of an active matter before a Meru Court before consideration of the Petition.

MIN No.JLA . /2016:-

**CONSIDERATION OF A REPORT ON PETITION
BY THE NATIONAL VICTIMS AND SURVIVORS
NETWORK ON THE TRUTH, JUSTICE AND
RECONCILIATION COMMISSION**

The Petition was presented to the National Assembly by Hon. Abdullahi Mohamed Diriye, Member of Parliament for Wajir South Constituency on behalf of the Citizens of Kenya referring themselves as the National Victims and Survivors Network.

The Petitioners pray that the National Assembly:

- a. Prioritizes debate on the TJRC Report tabled in the House on 24th July 2013.
- b. Enacts necessary legislation required to anchor the implementation of the recommendations contained therein.
- c. Allocates sufficient funds for the immediate and effective implementation and recommendations contained in the Report.

- d. The relevant committee of the House monitors the comprehensive and effective implementation of the Report.

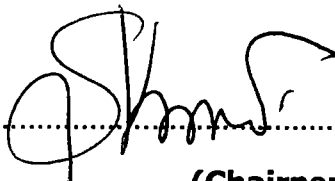
The Committee recommended that the TJRC Report be committed to the Departmental Committee on Justice and Legal Affairs for consideration and thereafter report to the House for debate.

MIN No.JLA. /2016:-

ADJOURNMENT

There being no other business to transact, the sitting adjourned at ten minutes past twelve o'clock.

Signed.....



(Chairperson)

Date.....

13th April, 2016



DEPARTMENTAL COMMITTEE ON JUSTICE & LEGAL AFFAIRS

MEMBERS ATTENDANCE

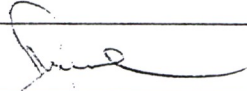

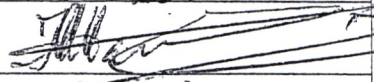
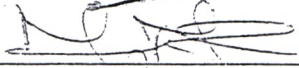
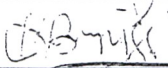
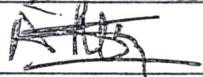


DATE: 7TH APRIL, 2016

VENUE: COUNTY HALL BOARDROOM (GROUND FLOOR)

AGENDA: 1. PENDING PETITIONS

2. ADOPTION OF THE REPORT ON CONSIDERATION OF BUDGET SUPPLEMENTARY ESTIMATES FY 2015/2016

	NAMES	SIGNATURE
1.	Hon. Samuel Chepkonga, M.P (Chairperson)	
2.	Hon. Priscila Nyokabi, M.P (Vice Chairperson)	
3.	Hon. Agostinho Neto , M.P	
4.	Hon. Ben Momanyi Orori, M.P	
5.	Hon. Benson Mutura, M.P	
6.	Hon. Boniface Otsiula, M.P	
7.	Hon. Charles Gimose, M.P	
8.	Hon. Christine Ombaka (Dr.), M.P	
9.	Hon. David Ochieng', M.P	
10.	Hon. Fatuma Ibrahim, M.P	
11.	Hon. Florence Kajuju, M.P	
12.	Hon. Irungu Kang'ata, M.P	
13.	Hon. James Bett, M.P	
14.	Hon. Johanna Ngeno, M.P	

15.	Hon. John Munuve, M.P.	
16.	Hon. John M. Waiganjo, M.P.	
17.	Hon. John Njoroge, M.P.	
18.	Hon. John Olago Aluoch, M.P.	
19.	Hon. Kamoti W. Mwamkale, M.P.	
20.	Hon. Mohamed Abdi Haji, M.P.	
21.	Hon. Moses Cheboi, M.P.	
22.	Hon. Njoroge Baiya, M.P.	
23.	Hon. Paul K.Bii, M.P.	
24.	Hon. Peter Kaluma, M.P.	
25.	Hon. Robert Mutemi (Bishop), M.P.	
26.	Hon. Sammy Koech, M.P.	
27.	Hon. T.J. Kajwang, M.P.	
28.	Hon. Waihenya Ndirangu, M.P.	
29.	Hon. William Cheptumo, M.P.	


A.M. Wasike

For: The Clerk of the National Assembly



KENYA NATIONAL ASSEMBLY
ELEVENTH PARLIAMENT

DEPARTMENTAL COMMITTEE ON JUSTICE & LEGAL AFFAIRS

MEMBERS' APPROVAL ON ADOPTION OF THE REPORT ON
CONSIDERATION OF BUDGET SUPPLEMENTARY ESTIMATES 1 FY
2015/2016

DATE: 7TH APRIL, 2016

VENUE: COUNTY HALL BOARDROOM (GROUND FLOOR).

	NAMES	SIGNATURE
1.	Hon. Samuel Chepkonga, M.P (Chairperson)	
2.	Hon. Priscila Nyokabi, M.P (Vice Chairperson)	
3.	Hon. Agostinho Neto, M.P	
4.	Hon. Ben Momanyi Orori, M.P	
5.	Hon. Benson Mutura, M.P	
6.	Hon. Boniface Otsiula, M.P	
7.	Hon. Charles Gimose, M.P	
8.	Hon. Christine Ombaka (Dr.), M.P	
9.	Hon. David Ochieng', M.P	
10.	Hon. Fatuma Ibrahim, M.P	
11.	Hon. Florence Kajuju, M.P	
12.	Hon. Irungu Kang'ata, M.P	
13.	Hon. James Bett, M.P	
14.	Hon. Johanna Ngeno, M.P	
15.	Hon. John Muntve, M.P	

16.	Hon. John M. Waiganjo, M.P	
17.	Hon. John Njoroge, M.P	
18.	Hon. John Olago Aluoch, M.P	<i>John</i>
19.	Hon. Kamoti W. Mwamkale, M.P	<i>Kamoti</i>
20.	Hon. Mohamed Abdi Haji, M.P	<i>Mohamed</i>
21.	Hon. Moses Cheboi, M.P	<i>Moses</i>
22.	Hon. Njoroge Baiya, M.P	<i>Njoroge</i>
23.	Hon. Paul K.Bii, M.P	<i>Paul</i>
24.	Hon. Peter Kaluma, M.P	<i>Peter</i>
25.	Hon. Robert Mutemi (Bishop), M.P	
26.	Hon. Sammy Koech, M.P	
27.	Hon. T.J. Kajwang, M.P	
28.	Hon. Waihenya Ndirangu, M.P	<i>Waihenya</i>
29.	Hon. William Cheptumo, M.P	

W. Wasike
W. Wasike

For: The Clerk of the National Assembly



PUBLIC PETITION
ON
ALLEGED NON-REFUNDED CASH BAILS BY MARIMANTI LAW COURTS

I, the undersigned, on behalf of residents of Tharaka Nithi County;

DRAW the attention of the House to the following:-

1. THAT, Article 49(1)(h) of the Constitution entitles an arrested person to the right to be released on bond or bail, on reasonable conditions, pending a charge or trial, unless there are compelling reasons not to be released.
2. THAT, arrested persons who deposit cash bails with the Courts are entitled, upon being granted bail, to a refund of the amount so deposited once their cases, for which bail was granted, are heard and determined;
3. THAT, a number of arrested persons who have been charged at the Marimanti Law Courts since 2012 were granted bail and consequently deposited cash bails ranging from Ksh. 5,000.00 to Ksh. 50,000.00, but have not received their refunds, long after their cases were heard and determined by the Court;
4. THAT, majority of the petitioners are living in abject poverty and have therefore been subjected to untold suffering, considering that many of them paid their cash bails from funds secured through loan facilities;
5. FURTHER, that the petitioners' representatives have sought redress from relevant authorities, namely Court officials, including the Magistrate and Prosecutor of the Marimanti Law Court; the area Criminal Investigation Department (CID); various human rights groups and the area Sub-County Commissioner, but none of these avenues has borne any fruit;

PUBLIC PETITION
ON ALLEGED NON-REFUNDED CASH BAILS BY MARIMANTI LAW COURTS

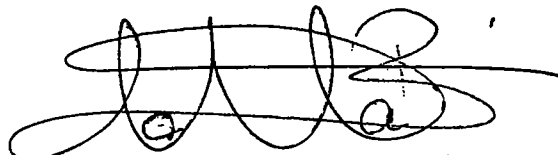
6. **THAT**, the matter in respect of which this Petition is raised is not pending before any court of law or constitutional body.

THEREFORE, your humble Petitioners **PRAY** that the National Assembly, through the Departmental Committee on Justice and Legal Affairs:-

- (a) immediately commences an inquiry into the unclear circumstances under which cash bails due to be refunded to the petitioners have not been paid long after their cases were heard and determined by the court;
- (b) intervenes to ensure that the Judiciary reimburses the petitioners the cash bail owed, together with accrued interests as computed from the date the cases were determined, and institutes disciplinary action against any officer(s) who obstructed payment of the said cash bail refunds in one way or another; and
- (c) makes any other recommendation(s) and order(s) deemed necessary in addressing the plight of the disillusioned petitioners.

And your **PETITIONERS** will ever pray.

PRESENTED BY,



HON. BEATRICE NKATHA NYAGA, HSC, MP
MEMBER FOR THARAKA NITHI COUNTY

Date:TH 26 AUGUST 2015.....

PUBLIC PETITION
ON
NON-REFUNDED CASH BAILS AT MARIMANTI LAW COURTS

I, the undersigned, on behalf of concerned residents of Tharaka of Tharaka Nithi County;

DRAW the attention of the House to the following:-

1. THAT, Article 49(1)(h) of the Constitution entitles an arrested person to the right to be released on bond or bail, on reasonable conditions, pending a charge or trial, unless there are compelling reasons not to be released.
2. THAT, arrested persons who deposit cash bails with the Courts upon being granted bail, are entitled to a refund of the amount so deposited once their cases, for which bail was granted, are heard and determined;
3. THAT, a number of arrested persons who have been charged at the Marimanti Law Courts since 2012 were granted bail and consequently deposited cash bails ranging from Ksh. 5,000.00 to Ksh. 50,000.00;
4. THAT, in blatant violation of the petitioners' right to be refunded their monies, officers at the Marimanti Law Courts have not done so, long after their cases were heard and determined by the Court;
5. THAT, this brazen act of impunity from a judicial organ, which by law, and as a matter of fact, ought to spearhead the upholding and protection of rights and freedoms inherently bestowed to every person;
6. THAT, majority of the petitioners are poor citizens living in abject poverty and have therefore been subjected to untold suffering, considering that many of them paid their cash bails from funds secured through loan facilities;
7. THAT, indeed the frustrated victims of unpaid cash bails have since been forced to form an association with elected representatives to pursue this matter on their behalf;

PUBLIC PETITION
ON
NON-REFUNDED CASH BAILS AT MARIMANTI LAW COURTS

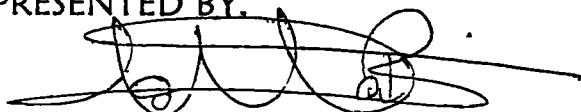
8. FURTHER, that the petitioners' representatives have sought redress from relevant authorities, namely Court officials, including the Magistrate and Prosecutor of the Marimanti Law Court; the area Criminal Investigation Department (CID); various human rights groups and the area Sub-County Commissioner, but none of these avenues has borne any fruit;
9. THAT, the matter in respect of which this Petition is raised is not pending before any court of law or constitutional body.

THEREFORE, your humble Petitioners PRAY that the National Assembly, through the Departmental Committee on Justice and Legal Affairs:-

- (a) immediately commences an inquiry into the dubious circumstances under which cash bails due to be refunded to the petitioners have not been paid long after their cases were heard and determined by the court; and
- (b) recommends that the Judiciary be compelled to reimburse the petitioners the cash bail owed, together with accrued interests that should be computed from the date the cases were determined;
- (c) urges the Chief Justice to intervene in resolving this matter, and that disciplinary action be instituted against any officer(s) who obstructed payment of the said cash bail refunds in one way or another; and
- (d) makes any other recommendation(s) and order(s) deemed necessary in addressing the plight of the disillusioned petitioners.

And your PETITIONERS will ever pray.

PRESENTED BY.



Hon. Beatrice Nkatha Nyaga, HSC, MP
MEMBER FOR THARAKA NITHI COUNTY

Date: 24TH AUGUST 2015.....

PETITION BY RESIDENTS OF THARAKA CONSTITUENCY ON NON-REFUND OF
CASH BAIL

July 13th, 2015

To the Clerk of the National Assembly,
Parliament Buildings,
P.O. Box 41842 - 00100,
Nairobi, Kenya.

Dear Sir,

RE: PETITION TO THE NATIONAL ASSEMBLY ON NON-REFUND OF CASH BAIL
AT MARIMANTI LAW COURTS

We the undersigned residents of Tharaka Constituency, Tharaka Nithi County, hereby forward our petition through our Member of Parliament Hon. Beatrice Nkatha for consideration by the National Assembly.

This petition is necessitated by the fact that officers at the Marimanti law courts have refused/failed to refund our cash bails deposited with the court long after the determination of our cases. A majority of the cases in question commenced in 2012 and have since been determined. However, we have not been refund our cash bail amounts ranging from Ksh. 5000 to Ksh. 50,000.

The petitioners herein have been meeting at Marimanti center and have elected officials chaired by Dickson Njeru to champion their interests. The petitioner's representatives have met and sought assistance from various government officers. They include the magistrate and court prosecutor at Marimanti law courts as well as the area CID boss. However, the issue remains unresolved despite all this meetings.

The group has further sought the intervention of human rights group but this endeavor has equally not borne fruit. At one point, the human rights group organized a demonstration for the petitioners but they were dispersed by a team of heavily armed security officers.

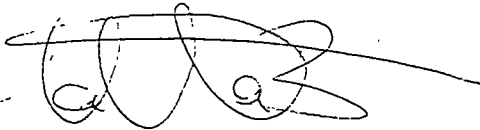
The petitioners have only received a good reception at the District Commissioner's (DC's) office. He promised to take up the matter but no feedback was ever received from the office. At one time, the Chair was approached by individuals who offered to bribe him so that he could quit pursuing the matter. The petitioners are poor citizens living in abject poverty and have therefore been affected psychologically by this issue. In fact, a majority of the petitioners took up loan facilities to secure funds for the cash bails.

PETITION BY RESIDENTS OF THARAKA CONSTITUENCY ON NON-REFUND OF
CASH BAIL

We hereby confirm that we have made efforts to have the matter addressed by relevant authorities but our efforts have been unsuccessful. We also confirm that the issues in respect of which the petition is made are not pending before any court of law or constitutional or other legal body.

Therefore, your humble petitioners pray that the National Assembly—

1. Investigate this Matter
2. Recommend to the Chief Justice that the cash bail be refunded with interest computed from the date of determination in respect of each case; and
3. Recommend to the Chief Justice to take the necessary disciplinary action against the officers responsible for the non-refund of the cash bail.



HON. Beatrice Nkatha Nyaga HSC, MP.

THARAKA CONSTITUENCY.

PETITION BY RESIDENTS OF THARAKA CONSTITUENCY ON NON-REFUND OF
CASH BAIL

No.	NAME	ID NO	PERSON BAILED	CASE NO.	AMOUNT	RECEIPT NO	MOBILE NO	SIGNATUR
1	TASITA KAGENDO	2454971	MUSA MARIGU	219/13	10,000	0203154		T.K
2	SIMON NJERU MBUGI	7208124	WILSON MUCHOMBA	411/12	5,000	465914		<i>[Signature]</i>
3	WILFRED MURINGE MUKEMBU		STANLEY WILLIAM MUSYOKA	198/2	10,000	465870	0719442651	<i>[Signature]</i>
4	MARGARET KABUI KARUGU	13494562	BIDAN MWAMBIA MUCHIRI	515/11	5,000	465811	0727151147	M. KABUI
5	BEN KINYUA MWABU	23944770	JORAM MAJAU	429/12	5,000	465922	070003580	BEN
6	DOUGLAS MUTIRIA MBWEE	13248201	DICKSON NJERU	451/20 12	50,000	465930	0710456363	<i>[Signature]</i>
7	STEPHEN GITONGA MUCEE	12614963	PETER KIRIA MUTIRIA	254/12	20,000			<i>[Signature]</i>
8	LUCY KAGWIRIA KIRIA	23631941	JULIUS MUCEE	659/11	4,000	165792		Lucy
9	NICHOLOUS CHINGAU	80774815	DENNIS KINYUA KAMWARA	16/12	20,000	465788	0711658860	<i>[Signature]</i>
10	JOHN MWITI MWATHI	23114754	PIA KANGO NJAGI	114/12	30,000	465851	0728872795	<i>[Signature]</i>
11	MAUKI M KAGOROMO		BENSON NJERU	197/12	5,000	465867	0708843729	<i>[Signature]</i>
12	JOHN GITONGA MUJWA		PHARIS NYAGA MUJWA	151/12	10,000	465885		John
13	ATANASIO MAINDA KANAKE	9907146	DANCAN MUGAO KANAKE	304/11	50,000	465733	0723997431	<i>[Signature]</i>
14	CELINA KAITHA KAMWARA	4519170	DOUGLAS MWITI	270/13	10,000	0203334	0712183958	Keitha
15 P.D	JOHN MUTIRIA NJERU		DAVID MWENDA MUTIRIA	600/14	10,000	0203346	0700481202	<i>[Signature]</i>
16	DANIEL MUNGE KATTO	2367140	KENNETH NJERU MUNGE	637/11	5,000	465833	N/A	<i>[Signature]</i>
17	KENNETH NJERU	22374248	KENNETH NJERU	342/12	5,000	465894	0726750339	<i>[Signature]</i>
18	PAUL MAUKI	21636870	JOHANA MARAGUA KIBITHU	315/12	5,000	465893	0729085628	<i>[Signature]</i>

PETITION BY RESIDENTS OF THARAKA CONSTITUENCY ON NON-REFUND OF CASH BAIL

19	DANIEL KAIMBA NDATHO		JULIUS NDATHO	231/12	5,000	465848	0715258672	<i>DKN</i>
20	DAVID MUKUNDI NYAMU	26219380	PETER KIMATHI MITAMBO	536/13	10,000	0203205	0704848636	<i>Peter</i>
21	NJERU KIREBU	2469978	DESIDERIO KIRIMI	654/11	20,000	465898	0738416294	<i>Desiderio</i>
22	JOHN MUTHENGI GAICHU	13869147		502/12	5,000	2442108	0728327579	<i>John</i>
23	CELIANKA KAMENE		CELIANKA KAMENE	552/12	3,000	465971		<i>Celi</i>
24	RITHO KAMWARA CHABARI	2366035	RITHO KAMWARA CHABARI	67/11	2,000	465785		<i>Ritho</i>
25	SAMUEL NJERU KATHENYA	22953569	RAEL NKARA	645/11	20,000	465773	0739639581 0719507382	<i>Rael</i>
26	SAMUEL NJERU KATHENYA	22953569	PETER MARIGU NTHARA	23/12	20,000	465787	0719507382	<i>Peter</i>
27	SIMON MURIMI KAMWARA		KENNEDY CHABARI	489/11	20,000	465803	0738768444	
28	JAPHET MURIUNGI CHABARI	12733072	JAPHET MURIUNGI CHABARI	108/10	3,000	465620	0720866380	<i>Japhet</i>
29	LUCY GAKUNDI MWENDA	22130998	FRANCIS MWENDA MATI	468/12	10,000	465942	0710776813	<i>Lucy</i>
30	LUCY GAKUNDI MWENDA	22130998	MOSES MUTEGI	468/12	10,000	465941	0710776813	<i>Lucy</i>
31	MARGARET CIANDIGE	2367516	MARGARET CIANDIGE	256/12	10,000	465882	0705439711	<i>M e</i>
32	ANDRIAN KAMWERE	13869261	TERESA KAREA	497/11	10,000	465816	0718466183	<i>Terese</i>
33	PURITY GACHERI	27258075	PURITY GACHERI	209/11	5,000	465722	N/A	<i>Purity</i>
34	JOYCE KARIMI	11609134	NICHOLOUS MUGAMBI	141/13	20,000	0203157	0714972144	<i>Joyce</i>
35	EUNICE KATHOME NGOCI	27333918	PETER NJERU	145/12	20,000	465868	0711382383	<i>Peter</i>
36	JACOB KINGANGI		JOHN MURIUKI	685/13	10,000	0203231		<i>John</i>

NAME	ID NO.	PERSON BAILED	CASE NO.	AMOUNT	RECEIPT NO.	MOBILE NO.	SIGNATURE.
JACOB MUGAMBI NJERU	25023174	NYAGA NJERU MUCHEGE	15/20/12	10000	465786	0727791318	<i>Jacob</i>
NAOMI MUTHONI NJERU	11399278	JOSEPHAT MUTWIRI	494/11	20000	465836	0710254506	<i>Muthoni</i>
JANE NKIROTE MUTIGA	26262872	SAMUEL NKUNGA	288/12	30000	465889	0703654146	<i>Jane</i>
DORCAS MAKENA	23707723	DORCAS MAKENA		10000		0714670727	<i>Dorc</i>

THE JUDICIARY

STATUS OF DEPOSITS FOR MARIMANTI LAW COURTS

1. INTRODUCTION

Marimanti Law Courts was established in 2007 to serve the community of Tharaka South District who were travelling 70 km and more to seek justice at Chuka Law Courts in Meru South District.

The Station is housed on premises rented from the DC and has two magistrates.

From inception, the Station had never had an accountant until March 2014, when an Accounts Assistant was posted there.

The Deposits of the Station are in two categories:

1. Old Deposits with the National Treasury (for period 2007 to August 2012).
2. Current Deposits in the Station's Bank Account (from September 2012 to date)

2. OLD DEPOSITS WITH THE NATIONAL TREASURY- KSHS.1,127,000

i. The operation

From the inception of the Court up to August 2012, the legal deposits of the Court used to be managed at the National Treasury at the Tharaka South District Treasury. The Court Station would collect deposits in cash then surrender the cash to the District Treasury which was then being banked in a pool Bank account together with monies for other Government Departments. Refunds of the deposits were being also made through the District Treasury.

In September 2012, the Court Station within the framework of Judicial transformation opened its bank account with the Cooperative Bank of Kenya. Thus, deposits were now in two pockets: one the deposits banked in the District Treasury bank account and two, the deposits banked in the Station's bank account. Consequently, depositors' refunds would be made from the account where the money was banked.

ii) Discovery of misappropriation

It was around April 2013 after an experience of difficulties and delays in making refunds, when it was discovered that the legal deposit monies surrendered to the District Treasury for banking had been instead misappropriated by the cashier. The District Treasury informed the Station that their bank account ledgers didn't reflect any money held as legal deposits despite the Station's Deposits Ledger Book reflecting outstanding deposits. The outstanding Deposit Ledger listing with respect to this account amount to **Kshs.1,127,000** of which most cases were concluded, but refunds can not be made due to unavailability of the funds. This has caused unrest by the affected parties.

Actions taken

- a. 11th April 2013, the Station reported the matter to the District Commissioner's office.
- b. 18th April 2013, the District Accountant made a formal report to the police.
- c. 24th July 2013, the District Accountant forwarded the Official Loss Report Forms to the Principal Secretary, The National Treasury through the Tharaka South District Commissioner.
- d. After the Loss Report, the Principal Secretary interdicted the concerned officer for gross misconduct and DCIO commenced investigations which have not been concluded to date.
- e. 21st April 2015, the Station wrote to the District Accountant and DCIO Tharaka South seeking to be updated with the progress on the matter.
- f. 23rd April 2015, the District Accountant informs the Station that the matter was still with the DCIO.
- g. 23rd April 2015, DCIO responded confirming that the case was still pending under investigations as they were yet to receive an external audit report which they requested to be done at the Treasury.
- h. 20th May 2015, The Chief Registrar of the Judiciary requested the Principal Secretary, The National Treasury to avail the lost funds to enable finalization of outstanding deposit refunds for the concluded cases.

- i. 25th August 2015, Office of the Principal Secretary, The National Treasury advised the Judiciary to factor the lost funds in its budget, which has been done for the FY 2016/17 budgetary estimates.

Way forward on the matter

Having factored the lost funds of Kshs.1,127,000 in the FY 2016/17 budgetary estimates, the outstanding deposit refunds thereof, can only be settled as from July 2016 when the funds are received from The National Treasury.

3. CURRENT DEPOSITS IN THE STATION'S BANK ACCOUNT

The summary of a brief quick reconciliation of the Outstanding Current Deposit listings against the funds available in the Bank Account is as below.

NO.	ITEM	AMOUNT KSHS.
1	Balances as per Deposit Ledger	1,998,150
2	Supported by:	
i.	Bank Balances as per Cash Book	1,826,385
ii.	Net reconciling items	(19,810)
3	Total funds available for Depositors in Current Bank Account (i + ii)	1,806,575
4	Excess funds/(Shortage) (3-1)	(191,575)

Note

Comprehensive reconciliation needs to be done to ascertain the exact shortage or excess and all the pending reconciling items cleared.

The refund of current deposits whose funds are held at the Station's bank account with the Cooperative Bank, Chuka Branch is being done promptly through cheques as the cases are concluded (see attached notice to the members of the public notifying them of the uncollected cheques).

Cooperative Bank mobile visits. Plans are at an advanced stage to introduce cashless collections with the bank via mobile banking.

4. CONCLUSION

Save for the Kshs.1,127,000 outstanding deposits with respect to the lost funds, the Station has endeavored to comply with the Judicial requirements of making deposits refunds within the shortest time possible.

Annextures:

- 1. Current outstanding deposits as at 10th March 2016**
- 2. Outstanding deposits for funds with The National Treasury**
- 3. Brief reconciliation of bank account**
- 4. Notice to the public on uncollected cheques**
- 5. Records of correspondences on the lost deposit funds**

MARIMANTI LAW COURTS
RECONCILIATION OF OUTSTANDING DEPOSITS
BANK ACCOUNT NO: 01141450156300
BANK: COOPERATIVE BANK OF KENYA
BRANCH: CHUKA

RECONCILIATION OF DEPOSITS LEDGER AND CASH BOOK BALANCE
AS AT 10TH MARCH 2016

	<u>KSHS.</u>
1 Balances as per Deposit Ledger.....	<u>1,998,150.00</u>
 <u>Supported by:</u>	
i Bank Balances as per Cash Book	1,826,385.00
ii Net reconciling items	(19,810.00)
 2 Total funds available for Depositors in Current Bank Account.....	 <u>1,806,575.00</u>
 3 Excess funds /(Shortage).....	 <u>(191,575.00)</u>

THE JUDICIARY
Current Outstanding Court Deposits as at 10th March 2016
AdimnUnit : Magistrates' and Kadhi's Courts
Geography : Marimati law courts
Detail : General Deposits

Deposit Date	Receipt No	Voucher No	Depositor	Amount	Payment	Payable	Payment Date	Balance
2015-09-15	0141010	1	JOHN KATHENYA KAIBIRU	2,000.00	0	0		2,000.00
2015-09-15	0141012	2	JOHN KATHENYA KAIBIRU	10,000.00	0	0		10,000.00
2015-09-16	0141006	53	JOHN KATHENYA KAIBIRU	5,000.00	0	0		5,000.00
2015-09-16	0141025	7	STEPHEN KITHINJI MUGAMBI	1,000.00	0	0		1,000.00
2015-09-16	0141028	10	JOHN KATHENYA KAIBIRU	25,000.00	0	0		25,000.00
2015-09-16	0141031	13	JIMMY SAFI MULWA	10,000.00	0	0		10,000.00
2015-09-16	0141037	17	SILAS MUGAMBI NJERU MAKANYA	10,000.00	0	0		10,000.00
2015-09-16	0141038	18	ELIAS MURANGIRI MBAE	1,000.00	0	0		1,000.00
2015-09-16	0141040	20	JOHN KATHENYA KAIBIRU	3,000.00	0	0		3,000.00
2015-09-16	0141043	23	JOHN KATHENYA KAIBIRU	2,000.00	0	0		2,000.00
2015-09-16	0203092	94	DONATA GAKII NGURANU	3,000.00	0	0		3,000.00
2015-09-16	0203128	91	SILAS MUTHENGI M'KUNGANIA	10,000.00	0	0		10,000.00
2015-09-16	0203130	92	NICHOLAS MUGAMBI MWANGANGI	5,000.00	0	0		5,000.00
2015-09-16	0203131	93	STEPHEN KINYUA GAICHU	5,000.00	0	0		5,000.00
2015-09-16	0203135	95	ANASTASIA KAGENDO NYAMU	20,000.00	0	0		20,000.00
2015-09-16	0203178	96	EDWARD MUNENE KAMWARA	5,000.00	0	0		5,000.00
2015-09-16	0203183	97	JULIUS MAKURI MITAMBO	3,000.00	0	0		3,000.00
2015-09-16	0203186	98	JAMES GITI MAKANYA	15,000.00	0	0		15,000.00
2015-09-16	0203190	99	ESTHER WAMBUI NGOCI	2,000.00	0	0		2,000.00
2015-09-16	0203191	100	ZIPPORA KANYUA MURARI	2,000.00	0	0		2,000.00
2015-09-16	0203192	101	JANE MUKAMI MUTIRIA	5,000.00	0	0		5,000.00
2015-09-16	0203196	102	DANIEL KARIGI MIGWA	10,000.00	0	0		10,000.00
2015-09-16	0203200	108	ALFRED NGLA MBATHA	15,000.00	0	0		15,000.00
2015-09-16	0203203	103	MURIUNGI MAKEMBO KIURU	15,000.00	0	0		15,000.00
2015-09-16	0203205	104	DAVID MUKUNDI NYAMU	10,000.00	0	0		10,000.00
2015-09-16	0203215	105	JEREMY MURIUKI PETER	5,000.00	0	0		5,000.00
2015-09-16	0203219	106	ESTHER NKURU NJERU	5,000.00	0	0		5,000.00
2015-09-16	0203230	111	PETER KAMWARA NDUME	10,000.00	0	0		10,000.00
2015-09-16	0203232	112	DAVID MUTHENGI KAMOTU	20,000.00	0	0		20,000.00
2015-09-16	0203235	113	ELOS Y KARITHI MATHI	3,000.00	0	0		3,000.00
2015-09-16	0203251	109	ELIAS MUTUA M'KIAMBWA	2,000.00	0	0		2,000.00
2015-09-16	0203264	110	JOYCE KARIMI KWENGA	5,000.00	0	0		5,000.00
2015-09-16	0203268	57	SUSAN MUTHONI	3,000.00	0	0		3,000.00
2015-09-16	0203271	58	LUCY KAUMA MWIGOKI	20,000.00	0	0		20,000.00
2015-09-16	0203272	59	CECILIA KANINI KAJIITA	20,000.00	0	0		20,000.00
2015-09-16	0203273	60	ANDREW NYAGA MUCEE	20,000.00	0	0		20,000.00
2015-09-16	0203274	61	JEREMIAH NYAGA IMUNDURA	20,000.00	0	0		20,000.00
2015-09-16	0203285	62	PETER NTHIGA MAKEMBO	3,000.00	0	0		3,000.00
2015-09-16	0203293	63	MARY MUTHONI	1,000.00	0	0		1,000.00
2015-09-16	0203301	76	PATRICK NTHIGA KAMWARA	5,000.00	0	0		5,000.00
2015-09-16	0203314	77	DOUGLAS MUTHOMI NGETA	20,000.00	0	0		20,000.00
2015-09-16	0203318	78	EVANGELINE MWENDWA MBUI	5,000.00	0	0		5,000.00
2015-09-16	0203319	79	ZONAL MANAGER FOREST MARIMANTI	40,000.00	0	0		40,000.00
2015-09-16	0203332	81	JACOB NGOCHI MUGAMBI	10,000.00	0	0		10,000.00
2015-09-16	0203336	82	JOHN KIREMA GAICHU	5,000.00	0	0		5,000.00
2015-09-16	0203339	83	JULIUS KITHUKI KARUNGU	65,000.00	0	0		65,000.00
2015-09-16	0203352	64	PATRICK MUGAMBI LIKUNDI	20,000.00	0	0		20,000.00
2015-09-16	0203353	65	FRANCIS KIJOGI MUTEGI	3,000.00	0	0		3,000.00
2015-09-16	0203358	66	JOHN KIREA KIBAARA	5,000.00	0	0		5,000.00
2015-09-16	0203374	71	JULIUS NJERU PETER	10,000.00	0	0		10,000.00
2015-09-16	0203381	72	ANN ESTHER KATHUGUA	5,000.00	0	0		5,000.00
2015-09-16	0203387	73	GERVASIO MUTUGI KIMENCU	10,000.00	0	0		10,000.00
2015-09-16	0203390	74	BILDAD KIRAGU IGUNA	5,000.00	0	0		5,000.00
2015-09-16	0203417	84	JOSPHAT MUTHENGI NGOCI	5,000.00	0	0		5,000.00
2015-09-16	0203431	86	MUTUGI CIMBA	1,000.00	0	0		1,000.00
2015-09-16	0203432	87	MUTUGI CIMBA	1,000.00	0	0		1,000.00
2015-09-16	0203440	89	DAVID MUGAMBI NTHIGA	5,000.00	0	0		5,000.00
2015-09-16	0203441	90	CHARITY KAREITHI	500.00	0	0		500.00
2015-09-16	0203444	30	JOSEPH MUTWIRI	5,000.00	0	0		5,000.00
2015-09-16	0203456	32	HELLENATA KANJA NYAGA	20,000.00	0	0		20,000.00
2015-09-16	0203464	35	JOHN KATHENYA KAIBIRU	50,500.00	0	0		50,500.00
2015-09-16	0203469	36	PAUL GITONGA KITHAKA	20,000.00	0	0		20,000.00
2015-09-16	0203470	37	JOHN MWENDA MUTURI	20,000.00	0	0		20,000.00

2015-09-16	0203486	42	JOHN KATHENYA KAIBIRU	2,650.00	0	0	2,650.00
2015-09-16	0203492	46	JOHN KATHENYA KAIBIRU	2,000.00	0	0	2,000.00
2015-09-17	0203001	168	BEATRICE MUGAO	30,000.00	0	0	30,000.00
2015-09-17	0203003	169	PETER MUTIRIA KATHENYA	3,000.00	0	0	3,000.00
2015-09-17	0203029	170	MANTHI NJAGI NYAGA	3,000.00	0	0	3,000.00
2015-09-17	0203030	171	MANTHI NJAGI NYAGA	3,000.00	0	0	3,000.00
2015-09-17	0203032	173	FAITH KANOTI RUKWARU	3,000.00	0	0	3,000.00
2015-09-17	0203035	174	JOYCE KABURI PETER	2,000.00	0	0	2,000.00
2015-09-17	0203037	175	LYDIA MUTHONI NJERU	3,000.00	0	0	3,000.00
2015-09-17	0203056	176	GODWIN MUKARIA GITONGA	1,500.00	0	0	1,500.00
2015-09-17	0203061	178	NATHAN MUTEEMI FRANCIS	5,000.00	0	0	5,000.00
2015-09-17	0203065	179	RUTH KATHOME	10,000.00	0	0	10,000.00
2015-09-17	0203074	180	NYAMU KAIBII NJAVI	10,000.00	0	0	10,000.00
2015-09-17	0203078	181	GATIRIA MICHAEL	1,500.00	0	0	1,500.00
2015-09-17	0203079	182	JULIUS MURITHI MUTIRIA	1,500.00	0	0	1,500.00
2015-09-17	0203080	183	GATIRIA MICHAEL	1,500.00	0	0	1,500.00
2015-09-17	0203081	184	JULIUS MURITHI	1,500.00	0	0	1,500.00
2015-09-17	0203083	189	JOHN MURIUNGI KINIO	2,000.00	0	0	2,000.00
2015-09-17	0203090	198	MARTHA IKORE KIRERU	3,000.00	0	0	3,000.00
2015-09-17	0203103	185	ARON MUTETHIA NYAGA	500.00	0	0	500.00
2015-09-17	0203105	186	MANASSES KARIUKI KAROKI	15,000.00	0	0	15,000.00
2015-09-17	0203115	188	ISAIAH NJERU KANYARU	30,000.00	0	0	30,000.00
2015-09-17	0203120	191	REUBEN MUTUGI BENSON	30,000.00	0	0	30,000.00
2015-09-17	0203122	192	DANIEL NJERU	2,000.00	0	0	2,000.00
2015-09-17	0203123	193	DANIEL KAURO MURIGE	2,000.00	0	0	2,000.00
2015-09-17	0203124	194	JOHN GITONGA MUCEE	2,000.00	0	0	2,000.00
2015-09-17	0203154	190	TARSITA KAGENDO SALVATORE	10,000.00	0	0	10,000.00
2015-09-17	0203164	196	MAKEMBO MUKURUMBA	500.00	0	0	500.00
2015-09-17	0203173	197	SAVINA KARIMI MARUNDU	3,000.00	0	0	3,000.00
2015-09-17	465948	162	ROBERT MURITHI NYUNGU	5,000.00	0	0	5,000.00
2015-09-17	465966	161	MOSES MWINYI GAICHU	10,000.00	0	0	10,000.00
2015-09-17	465976	165	JULIUS MUSYOKA MUTONO	10,000.00	0	0	10,000.00
2015-09-17	465993	166	PETER KIREMA MUCHOMBA	10,000.00	0	0	10,000.00
2015-09-17	465995	167	DANIEL MUNYAMBU MURONCIA	5,000.00	0	0	5,000.00
2015-09-17	464950	163	CYPRIAN GITONGA CINGAU	10,000.00	0	0	10,000.00
2015-09-17	464975	164	SILAS GITUURA KIRIRO	5,000.00	0	0	5,000.00
2015-09-28	0141050	204	JULIUS NJOGU THUMAITI	50,000.00	0	0	50,000.00
2015-09-28	0141052	206	MWANGI MARTIN WACHIRA	50,000.00	0	0	50,000.00
2015-09-28	0141053	207	JAMLECK MURITHI KINYAMU	50,000.00	0	0	50,000.00
2015-09-28	0141054	208	LAZARUS GITONGA MUGAMBI	50,000.00	0	0	50,000.00
2015-10-21	0141059	213	JACINTA KAREGA KIJIRU	5,000.00	0	0	5,000.00
2015-10-23	0141063	217	JOHN KATHENYA KAIBIRU	1,000.00	0	0	1,000.00
2015-10-23	0141064	218	ZEPHANIAH MUNYUTHIA KITHETU	15,000.00	0	0	15,000.00
2015-10-23	0141065	219	BONIFACE NKANGA MURITHI	10,000.00	0	0	10,000.00
2015-10-23	0141066	220	PAUL KAREGUA MUUGIO	10,000.00	0	0	10,000.00
2015-10-23	0141067	221	EDWARD MUTHURI KARUGU	10,000.00	0	0	10,000.00
2015-10-23	0141068	222	EDWARD MAUKI KITHURU	10,000.00	0	0	10,000.00
2015-10-23	0141070	224	JAMES KIBARA MUCHAI	20,000.00	0	0	20,000.00
2015-11-02	0141072	226	JOSEPH NJERU KATHENYA	10,000.00	0	0	10,000.00
2015-11-02	0141074	228	NORAH GASHUNDA KATHARE	50,000.00	0	0	50,000.00
2015-12-22	0141075	231	ISACK KATHENYA CHABARI	100,000.00	0	0	100,000.00
2015-12-22	0141080	236	MERICA NYAGA GAKAGWI	20,000.00	0	0	20,000.00
2015-12-22	0141081	237	JOSEPH KITHEGA MUCHAI	15,000.00	0	0	15,000.00
2015-12-22	0141082	238	JUSTUS MURIUNGI	50,000.00	0	0	50,000.00
2015-12-22	0141083	239	REUBEN MUGAMBI MIIRU	50,000.00	0	0	50,000.00
2015-12-22	0141084	240	BENJAMIN GICHUNGE IRAMBU	50,000.00	0	0	50,000.00
2015-12-22	0141087	243	MARGARET MUKAMI KINYUA	5,000.00	0	0	5,000.00
2015-12-22	0141088	244	PURITY WANJA KIMAKIA	100,000.00	0	0	100,000.00
2015-12-22	0141101	245	DAVID GITONGA	10,000.00	0	0	10,000.00
2015-12-22	0141102	246	DAVID GITONGA	10,000.00	0	0	10,000.00
2016-01-04	0141089	249	JUSTA KATHOME MUCEE	10,000.00	0	0	10,000.00
2016-01-04	0141090	250	BONIFACE NKANGA MURITHI	5,000.00	0	0	5,000.00
2016-01-04	0141091	251	JAPHET MURITHI IGUNA	10,000.00	0	0	10,000.00
2016-01-20	0141092	252	SOPHIA CIANDIGE KIBAARA	10,000.00	0	0	10,000.00
2016-01-20	0141094	254	PATRICK M'NTHAKA MBABI	10,000.00	0	0	10,000.00
2016-01-20	0141095	255	JANE KARIMI NYAMU	15,000.00	0	0	15,000.00
2016-02-03	0141097	258	GERALD MUTUGI IGUNA	20,000.00	0	0	20,000.00
2016-02-03	0141098	259	DORCAS MAKENA MUTERIA	3,000.00	0	0	3,000.00
2016-02-22	0141108	262	PATRICIA GATIRIA PATRICK	2,000.00	0	0	2,000.00
2016-02-22	0141109	263	PENINAH GACHERI KIBETU	5,000.00	0	0	5,000.00
2016-02-22	0141110	264	STELLA KAURA	5,000.00	0	0	5,000.00

2016-02-22	0141112	266	JOHN KATHENYA KAIBIRU	1,000.00	0	0	1,000.00
2016-02-22	0141113	267	PATRICK MUTHINI KIARE	10,000.00	0	0	10,000.00
2016-02-22	0141114	268	GERALD MURJUNGI	10,000.00	0	0	10,000.00
2016-02-22	0141116	270	ANN KARIMI MURUGU	5,000.00	0	0	5,000.00
2016-02-22	0141117	271	JULIUS NJOKA KIBOGA	5,000.00	0	0	5,000.00
2016-02-22	0141118	272	JAMES MUCHIRI MAUGU	10,000.00	0	0	10,000.00
2016-02-22	0141119	273	NYAKWARA LYDIA BOSIBORI	10,000.00	0	0	10,000.00
2016-02-22	0141120	274	NICHOLAS ODUOR ODWANYA	10,000.00	0	0	10,000.00
2016-02-22	0141121	275	CAROL KIGACHA NKANDIKA	15,000.00	0	0	15,000.00
2016-02-22	0141122	276	BARNABAS MWENDA KINYOE	5,000.00	0	0	5,000.00
2016-02-22	0141123	277	BARNABAS MWENDA KINYOE	5,000.00	0	0	5,000.00
2016-02-22	0141124	278	BENSON KATHENYA GAICHU	15,000.00	0	0	15,000.00
2016-03-02	0141126	280	NEHEMIAH GITONGA MWANGANGI	5,000.00	0	0	5,000.00
2016-03-02	0141127	281	RAEL NYAWIRA NYAMU	20,000.00	0	0	20,000.00
2016-03-02	0141128	282	KATHENYA MUTUGI PETER	20,000.00	0	0	20,000.00
2016-03-10	0141129	283	EUNICE GATUMI MACHUKI	5,000.00	0	0	5,000.00
2016-03-10	0141130	284	SOSPETER NYAMU MURIMI	50,000.00	0	0	50,000.00
2016-03-10	0141131	285	JULIUS M. KANYARU	30,000.00	0	0	30,000.00
2016-03-10	0141132	286	BENARD NJERU	15,000.00	0	0	15,000.00

TOTALS

1,998,150.00

1,998,150.00

MARIMANTI LAW COURTS

BANK ACCOUNT NO: 01141450156300

BANK: COOPERATIVE BANK OF KENYA

BRANCH: CHUKA

BRIEF RECONCILIATION OF BANK ACCOUNT

	Kshs.
Balances as per bank statement as at 29th February 2016	1,960,385.00
Add: Deposits Received after bank stmtnt to March 10th 2016	170,000.00
Less: Refunds in March upto 10th 2016/ unrepresented cheques	(304,000.00)
 Bank Balance as at 10th March 2016	 1,826,385.00

Notes

1 Bankings for 25th feb to 10th march 2016	155,000.00
2 Cash collections 10th March 2016	15,000.00
 cheques	
3 Uncollected Cheques	304,000.00
 4 Net reconciling items (jan recon)	
Unrepresented cheques	(262,000.00)
Receipts in bank statement not in CB	(867,310.00)
Payments in BS not in CB	179,355.00
Receipts in CB not in BS	<u>930,145.00</u>
Net reconciling items (jan recon)	<u>(19,810.00)</u>

IN THE PRINCIPAL MAGISTRATE'S COURT AT MARIMANTI
 LEGAL DEPOSITS HELD AT THE NATIONAL TREASURY FROM THE YEAR 2007-AUGUST 2013
 THARAKA SOUTH DISTRICT TREASURY

NO.	DATE	MR NO.	FROM WHOM RECEIVED	CASE NO.	AMOUNT (KSHS.)
1	26/9/07	465505	MUCEE KABORO	401/07	5,000
2	05/03/08	465524	HUMPHEY MUGAMBI	48/08	10,000
3	14/8/08	465552	JOHN MWITI	314/08	5,000
4	09/09/08	465538	JOVANAH NJOGUNI	353/08	5,000
5	25/11/08	465546	JOHN MWENDA KARERE	494/08	10,000
6	08/01/09	465562	TARSILLABIRUAUKA	582/08	4,000
7	21/4/09	465576	JAMES MANGARA	234/09	5,000
8	26/5/09	465580	SAMUEL MATI SAMITI	300/09	5,000
9	03/06/09	465582	DAVID NYAGA KIWERE	311/09	5,000
10	11/06/09	465585	PETER MUTIRIA MANGARA	331/09	10,000
11	07/10/09	465596	JERICA MWARI KARTU	523/09	5,000
12	08/02/10	465616	PATRICK KANYAR	12/10/16	10,000
13	17/3/10	465620	JAPHET MURIUNGI CHABARI	108/10	3,000
14	29/3/10	465621	WILLIAM MUTUMA BARNARD	107/10	3,000
15	07/04/10	465622	JOHN MUKUNDI	97/10	1,000
16	27/4/10	465625	MAKUNYI M. KANYARU	143/10	30,000
17	13/10/11	465642	JOSPHAT NYAGA CHABARI	404/10	10,000
18	15/10/10	465644	SAMWEL NYAGA	443/10	10,000
19	18/10/10	465662	JOHN KIRIMI RWITO	439/10	5,000
20	23/11/10	465668	JOSEPH KIRIMI KIRIIRO	495/10	10,000
21	25/11/10	465669	LILIAN KINANU	521/10	5,000
22	21/12/10	465684	JOHN ITONGA KIREA	573/10	3,000
23	23/12/10	465686	PETER MUTHEE KAMWARA	577//10	5,000
24	06/01/11	465691	STANLEY KITHURE KANYARU	309/10	20,000
25	21/1/11	465704	JAME NJERU	26/11	10,000
26	22/2/11	465698	HARRISON MWINGI KINOTI	117/11	10,000
27	08/03/11	465708	PETER MUTHEE KAMWARA	577/10	5,000
28	23/3/11	65711	CATHERINE EZEKIEL WANGARI	196/11	5,000
29	31/13/11	465712	KENNETH MAINGI RUKUNGI	241/11	10,000
30	14/4/11	465714	KARWANDA GAICHU	201/11	2,000
31	18/4/11	465715	JULIUS MURITHI MUTIRIA	32/11	5,000
32	05/05/11	465717	ELIPHAS MUGAMBI	262/11	20,000
33	13/5/11	465719	KENNETH MAINGI RUKUNGI	214/11	10,000
34	20/5/11	465722	PUITY GACHERI	209/11	5,000
35	24/5/11	465724	MONICA KANGARIA MUTIIRIA	288/11	5,000
36	08/06/11	465736	JAMES NJERU MUGWIKA	315/11	5,000
37	05/07/11	465739	PETER NTIGA RUMURI	372/11	5,000
38	07/07/11	465742	JULIANO RENGE	180/11	1,000
39	07/07/11	465743	KANYARU JITAMBA	276/11	3,000
40	27/6/11	465751	MURIUNGI MAKEMBO	405/11	5,000
41	26/7/11	465751	MURIUNGI MAKEMBO	405/11	5,000
42	02/08/11	465757	PETER MUTERIA MUCEE	415/11	2,000
43	11/08/11	465761	PETER MUGAMBI KIMUNYA	453/11	10,000
44	14/9/11	465806	SALOME MUTERIA	425/11	3,000
45	26/9/11	465816	ANDRIAN KIWERE MEENI	497/11	10,000
46	16/10/11	465824	PATRICK MWANGANGI MUCHENA	567/11	4,000
47	16/10/11	465825	PATRICK MWANGANGI MUCHENA	567/11	4,000
48	16/10/11	465826	PATRICK MWANGANGI MUCHENA	567/11	4,000
49	16/10/11	465827	PATRICK MWANGANGI MUCHENA	567/11	4,000
50	02/11/11	465869	RUTH MWENDE KAMUNYU	591/11	2,000
51	08/11/11	465828	MUCEE M'KABORO	58/11	5,000
52	16/11//11	465829	MWITI MWITHI	612/11	2,000
53	18/11/11	465831	NJAGI MAKEMBO	612/11	2,000
54	18/11/11	465831	NJAGI MAKEMBO	612/11	5,000
55	09/12/11	465773	SAMWEL NJERU KATHENYA	645/11	20,000
56	22/12/11	465776	LAWRENCE KIMATHI PIUS	663/11	5,000
57	28/12/11		ZAKARIA MUKATHE KIRIIRO	669/11	5,000
58	05/01/11	465783	DAVIDGITHINJI MBII	08/12/16	2,000
59		465785	RITHO KAMWARA CHABARI	647/11	2,000
60		465786	NYAGA NJERU MUCHEE	15/12	10,000
61	16/1/12	465887	SAMWEL NJERU KATHENGU	23/12	20,000
62	16/1/12	465788	NICHOLAS	16/12	20,000
63	18/1/12	465836	NAOMI MUTHONI NJERU	474/11	20,000
64	25/1/12	465790	CYPRIAN KAMWARA MUNYAMBO	25/12	3,000
65	26/1/2012	465791	MONICA KARAMBU MUGAO	66/12	5,000

66	27/1/13	465792	LUCY KAGWIRIA KRIA	659/11	4,000
67	10/02/12	465797	JULIUS MUTHENI GAICHU	117/12	5,000
68	15/2/12	465799	GRACE MWENDE	123/12	10,000
69	21/2/12	465851	JOHN MWITI MWATHI	114/12	30,000
70	21/2/12	465852	SABERIA KARIMI MATI	135/12	2,000
71	21/2/12	465853	MWITI DICKSON MAROA	134/12	20,000
72	08/03/12	465858	JAMES KIMATHI KANYARU	92/12	5,000
73	08/03/12	465860	GRACE NIIKI GEORGE	167/12	5,000
74	08/03/12	465861	GEOFFREY MURIUKI GWATIA	167/12	5,000
75	08/03/12	465861	MURITHI NKANDIKA	TRC 1/12	-25,000
76	13/3/12	465865	JEREMY KIGACHA KIAMBATI	173/12	5,000
77	13/3/12	465866	JOEL KIMATHI MUTUGI	172/12	5,000
78	21/3/12	465873	JOHN KITHINJI KWENGA	568/11	10,000
79	29/3/12	465881	PETER NJAGI MBAACHIA	509/11	5,000
80	10/04/12	465843	MARGTRET CIANDIGE	256/12	10,000
81	02/05/12	465885	JOHN GITONGA MUJWA	295/12	10,000
82	02/05/12	465888	JOSHUA KALWIGI M'NGUTHARI	568/11	5,000
83	03/05/12	465889	JANE NKIROTE MUTIRIA	288/12	30,000
84	04/05/12	465846	JAPHET MWITI MUTIRIA	146/12	1,000
85	08/05/12	465847	CAROLINE KARIMI	306/12	2,000
86	10/05/12	455890	JACINTA KAREGA KIJINI	217/12	5,000
87	10/05/12	465891	LUCY KARIIRI CHABARI	297/12	5,000
88	14/5/12	465893	PAUL MAUKI KANYARU	315/12	5,000
89	22/5/12	465894	KENNETH NJERU MURIGE	342/12	5,000
90	25/5/12	465896	NATHAN MUJUMBI GITI	345/12	10,000
91	30/5/12	465848	DANIEL KAIMBA NDATHO	331/12	5,000
92	05/06/12	465850	SAMUEL MUTHENGI NDATHO	352/12	25,000
93	06/06/12	465898	NJERU NJAGI KUREBU	654/11	20,000
94	14/6/12	465899	JOSPHAT MURYUNGI MAKUNYI	396/12	5,000
95	11/06/11	465903	NICHOLAS NTHIGA	285/12	3,000
96	11/06/12	465904	BENJAMIN IKABA NGONOKO	387/12	5,000
97	20/6/2012	465911	ESTHER KAREA JOEL	384/12	5,000
98	25/6/12	465914	SIMON NJERU MBUGI	411/12	5,000
99	26/6/12	465916	MARGRET KAGWIRIA	296/12	5,000
100	26/6/12	465915	STEPHEN GITONGA MUCEE	254/12	5,000
101	27/6/12	465919	JOHN MWITI BENSON	336/12	10,000
102	28/6/12	465921	JACOB MURITHI MPOGO	409/12	2,000
103	02/07/12	465922	BEN KINYUA MWABU	479/12	5,000
104	17/7/12	465954	SAMWEL MWAMBA MUNYUA	454/12	10,000
105	03/07/12	465923	JUDITH KAMENE MATI	403/12	3,000
106	03/07/12	465925	BRUNO MURITHI MURIUNGI	433/12	5,000
107	09/03/12	465926	SILVERIA KITHINJI JACOB	430/12	10,000
108	13/7/12	465930	DOUGLAS MUTIIRIA MBWEE	451/12	50,000
109	18/7/12	465955	BENJAMIN MUGAO NDUYO	497/12	5,000
110	19/7/12	465934	JOSPHAT MWATHI M'THIURU	432/12	5,000
111	23/7/12	465935	REGINA KANYUA NKANDIKA	459/12	10,000
112	26/7/12	465941	LUCY GAKUNDI MWENDA	468/12	10,000
113	26/7/12	465942	LUCY GAKUNDI MWENDA	468/12	10,000
114	06/08/12	465959	JONA MUTUMA MUGNKU	478/12	5,000
115	06/08/12	465960	JONA MUTUMA MUGNKU	479/12	10,000
116	06/08/12	465961	NICHOLAS NYAGA KANYARU	301/12	5,000
117	08/08/12	465962	CIAMWARI M'MEENI NTENDERI	489/12	30,000
118	28/8/12	465963	JENIFER KANGO KATHENYA	499/12	5,000

SUBTOTAL.....i

961,000

PREPARED, PROCESSED BUT UNPAID VOUCHERS OF THE SAME OLD A/C.

DATE	R/NUMBER	PARTICULARS	CASE NO.	AMOUNT
17/07/12	465953	FRANCIS MUNTANTHI KANAMPIU	455/12	5,000
24/04/12	465845	EZEKIELMWANGANGI KAGEMBE	273/12	10,000
15/03/12	465869	WILFRED MURINGE MURINGE	198/12	10,000
15/03/12	465870	WILFRED MURINGE MUKEMU	198/12	10,000
26/07/12	465940	JOHANA KURUMERI MUCHEGE(FF)	460/12	5,000
17/01/12	465835	KABERIA M'MAMELA NJAGI(FF)	39/12	3,000
22/09/11	465811	MARGRATE KABUI KARUGU	515/11	5,000
06/09/11	465803	SIMON MURIMI KAMWARA	489/11	20,000
03/06/11	465733	ATANASIO MAINDA KANAKE	304/11	50,000

27/07/10	465631 JULIUS GITONGA	321/10	5,000
04/07/12	465957 JAMES KIMOTHO KARUMIA(FF)	639/11	3,000
21/06/12	465899 JULIUS MUCOKA	404/12	5,000
14/06/12	465868 JOSPHAT MURYUNGI KAMANYA	591/12	5,000
14/03/12	465868 EUNICE KATHOME NGOCI	145/12	20,000
17/07/12	465954 SAMUEL MWAMBA MUNYUA	454/12	10,000
	SUBTOTAL.....ii		<u>166,000</u>
	GRAND TOTAL OUTSTANDING (I + ii)		<u>1,127,000</u>

Judiciary money used to be banked in pool together with other departments money at th
According to the District Account, all the Judiciary deposits had been refunded except for

e District Treasury bank account

misappropriated funds at the time the Court Station was opening their bank account

Telegrams: "COURT", Marimanti
Telephone: 064- 31926
mobile; 0738768444
email: marimanticourt@judiciary.go.ke



Principal Magistrate
P.O Box 80,
MARIMANTI.

30th April 2015

When replying please quote

JUDICIARY

Ref.

To,

**THE CHIEF REGISTRAR OF JUDICIARY
SUPREME COURT OF KENYA
P.O BOX 30041-00100**

Dear Madam,

RE: MISAPPROPRIATED DEPOSITS;-

Please refer to the above captioned matter in which Judiciary deposits were misappropriated by staff at the District Treasury and have remained unpaid since September 2012 to date.

The matter was initially reported by my predecessor (Hon. P. M. Kiama -PM) vide a letter dated 13th April 2013 addressed to the District commissioner and copied to your office. I also raised the issue when I took over as head of station vide my letter dated 30th April 2014. (the letters aforesaid have been attached for ease of reference). The then District Accountant made a formal report to the police vide OB No 11 of 18/4/1013 at Marimanti Police Station and extract of which we have attached.

The investigations into the loss of the funds has not been completed and the still remain unpaid. We are under pressure to refund the

deposits for the finalized cases but it has been difficult pushing the other government agencies to act and resolve this case. So far an audit requested by the DCIO Tharaka South Police Division has not been completed to facilitate further action (find a copy of letter from the DCIO Tharaka South Police Division confirming as much).

The purpose of this letter is to request your office to intervene on our behalf and implore the National Treasury to release money for refund of the deposits as they continue to follow up the matter with their staff at the District Treasury where the deposits were misappropriated.

We look forward for your favourable intervention in this matter to facilitate service delivery to the public.

Yours faithfully,



MESA L. NYAKUNDI

HOS MARIMANTI LAW COURTS

CC

1. REGISTRAR MAGISTRATE COURT
2. DIRECTOR OF FINANCE JUDICIARY
3. REGIONAL DIRECTOR OF FINANCE

ATT.

1. Letter dated 13th April 2013
2. Letter dated 30th April 2014
3. Extract OF OB No 11 of 18/4/1013 at Marimanti Police Station

4. Letter from the DCIO Tharaka South Police Division

5. Letter from the District Accountant confirming loss of deposits

Telegrams: "COURT", Marimanti
Telephone: 064- 31926
mobile; 0738768444
email;marimanticourt@judiciary.go.ke



Principal Magistrate
P.O Box 80,

MARIMANTI

When replying please quote

JUDICIARY

Ref. MMT/PM'S/LC/ACCTS/VOL.2/30

And date

30/4/2014

The Chief Registrar of Judiciary
Supreme Court of Kenya
P.o Box 30041 - 00100
NAIROBI.

ATTN; DIRECTOR OF FINANCE

**RE; MISAPPROPRIATED DEPOSITS AND OPENING KCB
ACCOUNTS**

I refer to the above matter in which predecessor had requested the District Treasury to respond on misappropriation of KSH 961,000 by then Treasury Cashier who has since not be traced Vide letter dated 11/04/2013. The same has not yet been recovered Vide District Treasury letter dated 16/04/2014 attached too. We therefore call upon the District Accountant to urgently resolve on the mode of reimbursement of the same since our clients are still suffering.

As a matter of fact, we as well wish to open a Bank Account with KCB Chuka Branch (Judiciary being co-operative banker with KCB) with a view of enabling quick refund by using our own Judicial Officer signatories and have a Management Deposit System Program installed for the said purpose. KCB also to have an

agency of directly swapping cash into the Bank Account to facilitate quick services being part of our Judicial Transformation.

Further to that all the monies held at Co - operative Bank where the account is being monitored by both the treasury and the Principal Magistrate's Court be transferred immediately to the KCB Account which will be opened after Bank reconciliation has been done.

We pray for your acceptance to enable us serve our clients faster and efficiently.

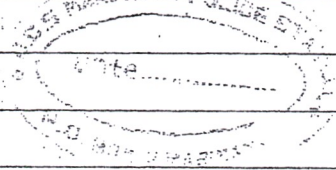
L.N Mesa
Ag.PRINCIPAL MAGISTRATE

INVESTIGATION DIARY

OB. NO. 11

18/4/2013

AT 12:18 HR



STEALING A PUBLIC OFFICER

REPORT TO STATION IS MR

E. M. KANAMBIGH THE

DISTRICT ACCOUNTANT

THARAKA SOUTH AND

REPORTS THAT EARLY 2012

HE DISCOVERED THE LOSS

OF CASH FOR RECORDS

DEPARTMENT AT THARAKA

SOUTH DISTRICT HEADQUARTERS

OF WHICH THE ONE

INVOLVED WAS THE

CARRIER PAUL M. NJAM.

THE SUSPECT RETURNED

SOME CASH WHICH WERE

MISSING AND THE

FOLLOWING ARE THE CASH

THAT WERE STOLEN BY

THE SUSPECT AS PER THE

DEPARTMENT.

ODP - KShs 400,000/=

DEPOSIT - KShs. 1,112,265/=

DAO (R) - KShs. 259,388.75

NALOP SIDA - KShs 400,950

DEO - KShs 95,015.95

INFORMATION - KShs. 4,173.

GENERAL - KShs 813,584.50

THE TOTAL AMOUNT

STOLEN FROM THE

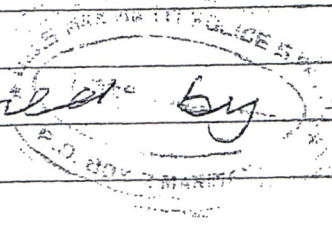
TREASURY BY THE SUSPECT

...

INVESTIGATION DIARY

is under interdiction. The
reporter now wants the matter
to be investigated.

Signed by IP



REPUBLIC OF KENYA



THE NATIONAL TREASURY

DISTRICT TREASURY
THARAKA SOUTH DISTRICT
P.O Box 36-80215
MARIMANTI
23RD APRIL 2015

When replying please quote
REF: THA/DA/FIN 14/V/69
Fax/ Tel No. 06431949

TO. PRINCIPAL MAGISTRATE
MARIMANTI LAW COURT
P.O BOX 80
MARIMANTI



RE: MISAPPROPRIATED DEPOSITS

I refer to your letter dated 21/04/2015 in respect to the above matter. Our office took necessary measure to report the matter to our national office who advised us to subsequently report to our criminal investigation department where the matter is still under their consideration.

The concerned officers recorded statement to that effect
NB. The officer concerned was interdicted immediately after the presentation was made to our national office.

It is our believe that the criminal department under our local DCIO shall expeditiously conclude the matter soonest possible.

A handwritten signature in black ink, appearing to be "Dimitri".

District Accountant
Tharaka South
Sub County

IN THE PRINCIPAL MAGISTRATE'S COURT AT MARIMANTI

UN - COLLECTED LEGAL DEPOSITS FROM THE YEAR 2007 - AUGUST 2013

NO.	DATE	MR NO.	FROM WHOM RECEIVED	PURPOSE & REF. NO.CRC	AMOUNT
1.	26/9/07	465505	MUCEE KABORO	401/07	5,000
2.	5/3/08	465524	HUMPHEY MUGAMBI	48/08	10,000
3.	14/8/08	465552	JOHN MWITI	314/08	5,000
4.	9/9/08	465538	JOVANAH NJOGUNI	353/08	5,000
5.	25/11/08	465543	JOHN MWENDA KARERE	494/08	10,000
6.	8/1/09	465562	TARSILA BIRAUKA	582/08	4,000
7.	21/4/09	465576	JAMES MANGARA	234/09	5,000
8.	26/5/09	465580	SAMWEL MATI SAMITI	300/09	5,000
9.	3/6/09	465582	DAVID NYAGA KIWERE	311/09	5,000
10.	11/6/09	465585	PETER MUTIRIA MANGARA	331/09	10,000
11.	7/10/09	465596	JERICA MWARI KARUTU	523/09	5,000
12.	8/2/10	465616	PATRICK KANYARU	12/10	10,000
13.	17/3/10	465620	JAPHET MURIUNGI CHABARI	108/10	3,000
14.	29/3/10	465621	WILLIAM MUTUMA BERNARD	107/10	3,000
15.	7/4/10	465622	JOHN MUKUNDI	97/10	1,000
16.	27/4/10	465625	MAKUNYI M. KANYARU	143/10	30,000
17.	13/10/11	465642	JOSPHAT NYAGA CHABARI	404/10	10,000
18.	15/10/10	465644	SAMWEL NYAGA	443/10	10,000
19.	18/10/10	465662	JOHN KIRIMI RWITO	439/10	5,000
20.	23/11/10	465668	JOSEPH KIRIMI KIRIRO	495/10	10,000
21.	25/11/10	465669	LILIAN KINANU	521/10	5,000
22.	21/12/10	465684	JOHN GITONGA KIREA	573/10	3,000
23.	23/12/10	465686	PETER MUTHEE KAMWARA	577/10	5,000

24.	6/1/11	465691	STANLEY KITHURE KANYARU	309/10	20,000
25.	21/1/11	465704	JAMES NJERU	26/11	10,000
26.	22/2/11	465698	HARISON MWINGI KINOTI	117/11	10,000
27.	8/3/11	465708	PETER MUTHEE KAMWARA	577/10	5,000
28.	23/3/11	65711	CATHERINE EZEKIEL WANGARI	196/11	5,000
29	31/3/11	465712	KENNETH MAINGI RUKUNGI	214/11	10,000
30	14/4/11	465714	KARWANDA GAICHU	201/11	2,000
31.	18/4/11	465715	JULIUS MURITHI MUTIRIA	32/11	5,000
32.	5/5/11	465717	ELIPHAS MUGAMBI	262/11	20,000
33.	13/5/11	465719	KENNETH MAINGI RUKUNGI	214/11	10,000
34.	20/5/11	465722	PURITY GACHERI	209/11	5,000
35.	24/5/11	465724	MONICA KANGARIA MUTIRIA	288/11	5,000
36.	8/6/11	465736	JAMES NJERU MUGWIKI	315/11	5,000
37.	5/7/11	465739	PETER NTHIGA RUMURI	372/11	5,000
38.	7/7/11	465742	JULIANO RENGE	180/11	1,000
39.	7/7/11	465743	KANYARU JITAMBA	276/11	3,000
40.	27/6/11	465751	MURIUNGI MAKEMBO	405/11	5,000
41.	26/7/11	465752	JOHN MURIUKI MURIUNGI	405/11	5,000
42.	2/8/11	465757	PETER MUTERIA MUCEE	415/11	2,000
43.	11/8/11	465761	PETER MUGAMBI KIMUNYA	453/11	10,000
44.	14/9/11	465806	SALOME MUTERIA	425/11	3,000
45.	26/9/11	465816	ANDRIAN KIWERE MEENI	497/11	10,000
46.	16/10/11	465824	PATRICK MWANGANGI MUCHENA	567/11	4,000
47.	16/10/11	465825	PATRICK MWANGANGI MUCHENA	567/11	4,000

48.	16/10/11	465826	PATRICK MWANGANGI MUCHENA	567/11	4,000
49.	16/10/11	465827	PATRICK MWANGANGI MUCHENA	567/11	4,000
50.	2/11/11	465869	RUTH MWENDE KAMUNYU	591/11	2,000
51.	8/11/11	465828	MUCEE M'KABORO	58/11	5,000
52.	16/11/11	465829	MWITI MWITHI	612/11	2,000
53.	18/11/11	465831	NJAGI MAKEMBO	612/11	2,000
54.	18/11/11	465772	MODESTO KIREA GAICHU	621/11	5,000
55.	9/12/11	465773	SAMWEL NJERU KATHENYA	645/11	20,000
56.	22/12/11	465776	LAWRENCE KIMATHI PIUS	663/11	5,000
57.	28/12/11		ZAKARIA MUKATHE KIRIRO	669/11	5,000
58.	5/1/11	465783	DAVID GITHINJI MBII	8/12	2,000
59.		465785	RITHO KAMWARA CHABARI	647/11	2,000
60.		465786	NYAGA NJERU MUCHEE	15/12	10,000
61.	16/1/12	465887	SAMWEL NJERU KATHENGU	23/12	20,000
62.	16/1/12	465788	NICHOLAS	16/12	20,000
63.	18/1/12	465836	NAOMI MUTHONI NJERU	474/11	20,000
64.	25/1/12	465790	CYPRIAN KAMWARA MUNYAMBO	25/12	3,000
65.	26/1/12	465791	MONICA KARAMBU MUGAO	66/12	5,000
66.	27/1/13	465792	LUCY KAGWIRIA KIRIA	659/11	4,000
67.	10/2/12	465797	JULIUS MUTHENI GAICHU	117/12	5,000
68.	15/2/12	465799	GRACE MWENDE	123/12	10,000
69.	21/2/12	465851	JOHN MWITI MWATHI	114/12	30,000
70.	21/2/12	465852	SABERA KARIMI MATI	135/12	2,000
71.	21/2/12	465853	MWITI DICKSON MAROA	134/12	20,000

72.	8/3/12	465858	JAMES KIMATHI KANYARU	92/12	5,000
73.	8/3/12	465860	GRACE NIKI GEORGE	167/12	5,000
74.	8/3/12	465861	GEOFREY MURIUKI GWATIA	167/12	5,000
75.	12/3/12	465864	MURITHI NKANDIKA	Trc1/12	25,000
76.	13/3/12	465865	JEREMY KIGACHA KIAMBATI	173/12	5,000
77.	13/3/12	465866	JOEL KIMATHI MUTUGI	172/12	5,000
78.	21/3/12	465873	JOHN KITHINJI KWENGA	568/11	10,000
79.	29/3/12	465881	PETER NJAGI MBAACHIA	509/11	5,000
80.	10/4/12	465843	MARGTRET CIANDIGE	256/12	10,000
81.	2/5/12	465885	JOHN GITONGA MUJWA	295/12	10,000
82.	2/5/12	465888	JOSHUA KALWIGI M'NGUTHARI	568/11	5,000
83.	3/5/12	465889	JANE NKIROTE MUTIGA	288/12	30,000
84.	4/5/12	465846	JAPHET MWITI MUTIRIA	146/12	1,000
85.	8/5/12	465847	CAROLINE KARIMI	306/12	2,000
86.	10/5/12	455890	JACINTA KAREGA KIJINI	217/12	5,000
87.	10/5/12	465891	LUCY KARIIRI CHABARI	297/12	5,000
88.	14/5/12	465893	PAUL MAUKI KANYARU	315/12	5,000
89.	22/5/12	465894	KENNETH NJERU MURIGE	342/12	5,000
90.	25/5/12	465896	NATHAN MUJUMBI GITI	345/12	10,000
91.	30/5/12	465848	DANIEL KAIMBA NDATHO	331/12	5,000
92.	5/6/12	465850	SAMWEL MUTHENGI NDATHO	352/12	25,000
93.	6/6/12	465898	NJERU NJAGI KUREBU	654/11	20,000
94.	14/6/12	465899	JOSPHAT MURYUNGI MAKUNYI	396/12	5,000
95.	11/6/11	465903	NICHOLAS NTHIGA	285/12	3,000
96.	11/6/12	465904	BENJAMIN IKABA NGONOKO	387/12	5,000
97.	20/6/12	465911	ESTHER KAREA JOEL	384/12	5,000

98.	25/6/12	465914	SIMON NJERU MBUGI	411/12	5,000
99.					
100.	26/6/12	465914 465916	MARGRET KAGWIRIA	296/12	5,000
101.	26/6/12	465915	STEPHEN GITONGA MUCEE	254/12	5,000
102.	27/6/12	465919	JOHN MWITI BENSON	336/12	10,000
103.	28/6/12	465921	JACOB MURITHI MPOGO	409/12	2,000
104.	2/7/12	465922	BEN KINYUA MWABU	479/12	5,000
105.	17/7/12	465954	SAMWEL MWAMBA MUNYUA	454/12	10,000
106.	3/7/12	465923	JUDITH KAMENE MATI	403/12	3,000
107.	3/7/12	465925	BRUNO MUREITHI MURIUNGI	433/12	5,000
108.	9/3/12	465926	SILVERIA KITHINJI JACOB	430/12	10,000
109.	13/7/12	465930	DOUGLAS MUTIIRIA MBWEE	451/12	50,000
110.	18/7/12	465955	BENJAMIN MUGAO NDUYO	497/12	5000
111.	19/7/12	465934	JOSPAT MWATHI M'THIURU	432/12	5,000
112.	23/7/12	465935	REGINA KANYUA NKANDIKA	459/12	10,000
113.	26/7/12	465941	LUCY GAKUNDI MWENDA	468/12	10,000
114.	26/7/12	465942	LUCY GAKUNDI MWENDA	468/12	10,000
115.	6/8/12	465959	JONA MUTUMA MUGUNKU	478/12	5,000
116.	6/8/12	465960	JONA MUTUMA MUGUNKU	479/12	10,000
117.	6/8/12	465961	NICHOLAS NYAGA KANYARU	301/12	5,000
118.	8/8/12	465962	CIAMWARI M'MEENI NTENDERI	489/12	30,000
119.	28/8/12	465963	JENIFFER KANGO KATHENYA	499/12	5,000
				TOTALS	961,000

REPAIRED, PROCESSED BUT UNPAID VOUCHERS OF THE SAME OLD A/C.

DATE	R/NUMBER	PARTICULARS	CASE NO.	AMOUNT.
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26/07/12	465940	Johana Kurumeri Muchege (FF)	460/12	5,000
17/01/12	465835	Kaberia M'Mamela Njagi (FF)	39/12	3,000
22/09/11	465811	Margrate Kabui Karugu	515/11	5,000
06/09/11	465803	Simon Murimi Kamwara	489/11	20,000
03/06/11	465733	Atanasio Mainda Kanake	304/11	50,000
27/07/10	465631	Julius Gitonga	321/10	5,000
04/07/12	465957	James Kimotho Karumia (FF)	639/11	3,000
21/06/12	465899	Julius Mucoka	404/12	5,000
14/06/12	465868	Josphat Muryungi Kamanya	591/12	5,000
14/03/12	465868	Eunice Kathome Ngoci	145/12	20,000
17/07/12	465954	Samwel Mwamba Munyua	454/12	10,000
*****	*****	<u>SUB TOTALS</u>	*****	166,000
*****	*****	<u>PREVIOUS TOTALS</u>	*****	961,000
*****	*****	<u>GRAND TOTALS</u>	*****	1,127,000